

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

FIESTA MART, LLC,

Plaintiff

V.

**WILLIS OF ILLINOIS, INC., WILLIS
TOWERS WATSON US, LLC,
ALLIED WORLD ASSURANCE
COMPANY (U.S.) INC., ARCH
SPECIALTY INSURANCE
COMPANY, ASPEN SPECIALTY
INSURANCE COMPANY,
CERTAIN UNDERWRITERS AT
LLOYD'S OF LONDON (HISCOX),
HDI GLOBAL INSURANCE
COMPANY, INDIAN HARBOR
INSURANCE COMPANY, and
WESTPORT INSURANCE
CORPORATION.**

Defendants.

Hon. Lynn N. Hughes

Civil Action No.: 4:20-CV-03484

[PROPOSED] PARTIAL JUDGMENT

The Court has received the Insurers’¹ motion for summary judgment (ECF No ____),
Fiesta Mart, LLC’s opposition (ECF No ____), and the Insurers’ response (ECF No ____).

After reviewing the briefs, record, and applicable law, and for the reasons stated in the Court's _____, 2023 memorandum and opinion, the Court finds that:

1. Fiesta Mart, LLC is not an insured under the Insurers' insurance policies; and
2. The assignment agreement between ACON Investments, LLC and Fiesta Mart, LLC is unenforceable against the Insurers.

¹ Allied World Assurance Company (U.S.) Inc., Arch Specialty Insurance Company, Aspen Specialty Insurance Company, Certain Underwriters at Lloyd's of London (Hiscox), HDI Global Insurance Company, Indian Harbor Insurance Company, and Westport Insurance Corporation.

Because of this, the Insurers are dismissed from the case with prejudice.

Signed on _____, 2023, at Houston, Texas.

Lynn N. Hughes
United States District Judge